

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 73

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES STORCH (Sponsor), KIRKTON, LeVOTA, WEBB,
WALTON GRAY, KANDER, STILL, NASHEED, GRILL, SCHUPP, SCHIEFFER,
OXFORD AND LAMPE (Co-sponsors).

3593L.01I

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing sections 2, 5, 7, 9, 10, and 45 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to congressional and legislative redistricting.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2010, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri:

Section A. Sections 2, 5, 7, 9, 10, and 45, article III, Constitution of Missouri, are repealed and one new section adopted in lieu thereof, to be known as section 3, to read as follows:

Section 3. 1. The house of representatives shall consist of one hundred sixty-three members elected at each general election. The senate shall consist of thirty-four members elected for four years.

2. There shall be established a state demographer as provided by law. The demographer shall acquire appropriate information to develop procedures in preparation for drawing congressional and legislative redistricting plans on the basis of each federal census. By December thirty-first of each year after 2010 ending in zero, the demographer shall obtain from the United States bureau of the census information regarding geographic

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 and political units in this state for which federal census population data has been gathered
10 and will be tabulated. The demographer shall use the data so obtained to:

11 (1) Prepare necessary descriptions of geographic and political units for which
12 census data will be reported, and which are suitable for use as components of legislative
13 districts; and

14 (2) Prepare maps of counties, cities, and other geographic units within the state,
15 which may be used to illustrate the locations of legislative district boundaries proposed in
16 plans drawn in accordance with this section.

17

18 As soon as possible after January first of each year after 2011 ending in one, the
19 demographer shall obtain from the United States bureau of the census the population data
20 needed for legislative districting which the census bureau is required to provide this state
21 under United States Pub. L. 94-171, and shall use that data to assign a population figure
22 based upon certified federal census data to each geographic or political unit described
23 under subdivision (1) of this subsection. Upon completing that task, the demographer shall
24 begin the preparation of congressional and legislative districting plans. Not later than
25 April first of each year ending in one, the state demographic and statistical unit shall
26 deliver to the secretary of state a plan of congressional and legislative redistricting
27 prepared in accordance with this section.

28 3. No district shall be drawn for the purpose of favoring a political party,
29 incumbent legislator or member of Congress, or other person or group. In establishing
30 districts, no use shall be made of any of the following data:

31 (1) Addresses of incumbent legislators or members of Congress;

32 (2) Political affiliations of registered voters;

33 (3) Previous election results; or

34 (4) Demographic information, other than population head counts, except as
35 required by the Constitution and the laws of the United States.

36 4. Congressional and legislative districts shall be established on the basis of
37 population. Congressional and legislative districts, respectively, shall each have a
38 population as nearly equal as practicable to the ideal population for such districts,
39 determined by dividing the number of districts to be established into the population of the
40 state reported in the federal decennial census.

41 5. To the extent consistent with subsection 4 of this section, district boundaries shall
42 coincide with the boundaries of political subdivisions of the state. The number of counties
43 and cities divided among more than one district shall be as small as possible. When there
44 is a choice between dividing local political subdivisions, the more populous subdivisions

45 shall be divided before the less populous, but this preference shall not apply to a legislative
46 district boundary drawn along a county line which passes through a city that lies in more
47 than one county.

48 **6. Districts shall be composed of convenient contiguous territory. Areas which meet**
49 **only at the points of adjoining corners are not contiguous.**

50 **7. Preference shall be that districts are compact in form, but the standards**
51 **established by subsections 4, 5, and 6 of this section take precedence over compactness**
52 **where a conflict arises between compactness and these standards. In general, compact**
53 **districts are those which are square, rectangular, or hexagonal in shape to the extent**
54 **permitted by natural or political boundaries. When it is necessary to compare the relative**
55 **compactness of two or more districts, or of two or more alternative districting plans, the**
56 **tests prescribed by subdivisions (2) and (3) of this subsection shall be used. Should the**
57 **results of these two tests be contradictory, the standard referred to in subdivision (2) of this**
58 **subsection shall be given greater weight than the standard referred to in subdivision (3)**
59 **of this subsection.**

60 **(1) As used in this subsection, the following terms mean:**

61 **(a) "Population data unit", a civil township, election precinct, census enumeration**
62 **district, census city block group, or other unit of territory having clearly identified**
63 **geographic boundaries and for which a total population figure is included in or can be**
64 **derived directly from certified federal census data;**

65 **(b) The "geographic unit center" of a population data unit;**

66

67 **that point approximately equidistant from the northern and southern extremities, and also**
68 **approximately equidistant from the eastern and western extremities, of a population data**
69 **unit. This point shall be determined by visual observation of a map of the population data**
70 **unit, unless it is otherwise determined within the context of an appropriate coordinate**
71 **system developed by the federal government or another qualified and objective source and**
72 **obtained for use in this state with prior approval of the legislative council;**

73 **(c) The "x" coordinate of a point in this state refers to the relative location of that**
74 **point along the east-west axis of the state. Unless otherwise measured within the context**
75 **of an appropriate coordinate system obtained for use as permitted by subdivision (b) of this**
76 **subsection, the "x" coordinate shall be measured along a line drawn due east from a due**
77 **north and south line running through the point which is the northwestern extremity of the**
78 **state of Missouri, to the point to be located;**

79 **(d) The "y" coordinate of a point in this state refers to the relative location of that**
80 **point along the north-south axis of the state. Unless otherwise measured within the context**

81 of an appropriate coordinate system obtained for use as permitted by subdivision (b) of this
82 subsection, the "y" coordinate shall be measured along a line drawn due south from the
83 northern boundary of the state or the eastward extension of that boundary, to the point to
84 be located.

85 (2) The compactness of a district is greatest when the length of the district and the
86 width of the district are equal. The measure of a district's compactness is the absolute
87 value of the difference between the length and the width of the district.

88 (a) In measuring the length and the width of a district by means of electronic data
89 processing, the difference between the "x" coordinates of the easternmost and the
90 westernmost geographic unit centers included in the district shall be compared to the
91 difference between the "y" coordinates of the northernmost and southernmost geographic
92 unit centers included in the district.

93 (b) To determine the length and width of a district by manual measurement, the
94 distance from the northernmost point or portion of the boundary of a district to the
95 southernmost point or portion of the boundary of the same district and the distance from
96 the westernmost point or portion of the boundary of the district to the easternmost point
97 or portion of the boundary of the same district shall each be measured. If the
98 northernmost or southernmost portion of the boundary, or each of these points, is a part
99 of the boundary running due east and west, the line used to make the measurement
100 required by this subdivision shall either be drawn due north and south or as nearly so as
101 the configuration of the district permits. If the easternmost or westernmost portion of the
102 boundary, or each of these points, is a part of the boundary running due north and south,
103 a similar procedure shall be followed. The lines to be measured for the purpose of this
104 subdivision shall each be drawn as required, even if some part of either or both lines lies
105 outside the boundaries of the district which is being tested for compactness.

106 (c) The absolute values computed for individual districts under this subdivision
107 may be cumulated for all districts in a plan in order to compare the overall compactness
108 of two or more alternative districting plans for the state, or for a portion of the state.
109 However, it is not valid to cumulate or compare absolute values computed under
110 subdivision (1) of this subsection with those computed under this subdivision.

111 (3) The compactness of a district is greatest when the ratio of the dispersion of
112 population about the population center of the district to the dispersion of population about
113 the geographic center of the district is one to one, the nature of this ratio being such that
114 it is always greater than zero and can never be greater than one to one.

115 (a) The population dispersion about the population center of a district, and about
116 the geographic center of a district, is computed as the sum of the products of the population

of each population data unit included in the district multiplied by the square of the distance from that geographic unit center to the population center or the geographic center of the district, as the case may be. The geographic center of the district is defined by averaging the locations of all geographic unit centers which are included in the district. The population center of the district is defined by computing the population-weighted average of the "x" coordinates and "y" coordinates of each geographic unit center assigned to the district, it being assumed for the purpose of this calculation that each population data unit possesses uniform density of population.

(b) The ratios computed for individual districts under this paragraph may be averaged for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the state, or for a portion of the state.

[Section 2. The house of representatives shall consist of one hundred sixty-three members elected at each general election and apportioned in the following manner: Within sixty days after the population of this state is reported to the President for each decennial census of the United States and, in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within sixty days after notification by the governor that such a ruling has been made, the congressional district committee of each of the two parties casting the highest vote for governor at the last preceding election shall meet and the members of the committee shall nominate, by a majority vote of the members of the committee present, provided that a majority of the elected members is present, two members of their party, residents in that district, as nominees for reapportionment commissioners. Neither party shall select more than one nominee from any one state legislative district. The congressional committees shall each submit to the governor their list of elected nominees. Within thirty days the governor shall appoint a commission consisting of one name from each list to reapportion the state into one hundred and sixty-three representative districts and to establish the numbers and boundaries of said districts.

If any of the congressional committees fails to submit a list within such time the governor shall appoint a member of his own choice from that district and from the political party of the committee failing to make the appointment.

Members of the commission shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final statement of apportionment.

For the purposes of this article, the term congressional district committee or congressional district refers to the congressional district committee or the congressional district from which a congressman was last elected, or, in the event members of congress from this state have been elected at large, the term congressional district committee refers to those persons who last served as the congressional district committee for those districts from which congressmen were last elected, and the term congressional district refers to those districts from

31 which congressmen were last elected. Any action pursuant to this section by the
32 congressional district committee shall take place only at duly called meetings,
33 shall be recorded in their official minutes and only members present in person
34 shall be permitted to vote.

35 The commissioners so selected shall on the fifteenth day, excluding
36 Sundays and holidays, after all members have been selected, meet in the capitol
37 building and proceed to organize by electing from their number a chairman, vice
38 chairman and secretary and shall adopt an agenda establishing at least three
39 hearing dates on which hearings open to the public shall be held. A copy of the
40 agenda shall be filed with the clerk of the house of representatives within
41 twenty-four hours after its adoption. Executive meetings may be scheduled and
42 held as often as the commission deems advisable.

43 The commission shall reapportion the representatives by dividing the
44 population of the state by the number one hundred sixty-three and shall establish
45 each district so that the population of that district shall, as nearly as possible,
46 equal that figure.

47 Each district shall be composed of contiguous territory as compact as may
48 be.

49 Not later than five months after the appointment of the commission, the
50 commission shall file with the secretary of state a tentative plan of apportionment
51 and map of the proposed districts and during the ensuing fifteen days shall hold
52 such public hearings as may be necessary to hear objections or testimony of
53 interested persons.

54 Not later than six months after the appointment of the commission, the
55 commission shall file with the secretary of state a final statement of the numbers
56 and the boundaries of the districts together with a map of the districts, and no
57 statement shall be valid unless approved by at least seven-tenths of the members.

58 After the statement is filed members of the house of representatives shall
59 be elected according to such districts until a reapportionment is made as herein
60 provided, except that if the statement is not filed within six months of the time
61 fixed for the appointment of the commission, it shall stand discharged and the
62 house of representatives shall be apportioned by a commission of six members
63 appointed from among the judges of the appellate courts of the state of Missouri
64 by the state supreme court, a majority of whom shall sign and file its
65 apportionment plan and map with the secretary of state within ninety days of the
66 date of the discharge of the apportionment commission. Thereafter members of
67 the house of representatives shall be elected according to such districts until a
68 reapportionment is made as herein provided.

69 Each member of the commission shall receive as compensation fifteen
70 dollars a day for each day the commission is in session but not more than one
71 thousand dollars, and, in addition, shall be reimbursed for his actual and
72 necessary expenses incurred while serving as a member of the commission.

73 No reapportionment shall be subject to the referendum.]

2 [Section 5. The senate shall consist of thirty-four members elected by the
3 qualified voters of the respective districts for four years. For the election of
4 senators, the state shall be divided into convenient districts of contiguous
5 territory, as compact and nearly equal in population as may be.]

2 [Section 7. Within sixty days after the population of this state is reported
3 to the President for each decennial census of the United States, and within sixty
4 days after notification by the governor that a reapportionment has been
5 invalidated by a court of competent jurisdiction, the state committee of each of
6 the two political parties casting the highest vote for governor at the last preceding
7 election shall, at a committee meeting duly called, select by a vote of the
8 individual committee members, and thereafter submit to the governor a list of ten
9 persons, and within thirty days thereafter the governor shall appoint a
10 commission of ten members, five from each list, to reapportion the thirty-four
11 senatorial districts and to establish the numbers and boundaries of said districts.

12 If either of the party committees fails to submit a list within such time the
13 governor shall appoint five members of his own choice from the party of the
14 committee so failing to act.

15 Members of the commission shall be disqualified from holding office as
16 members of the general assembly for four years following the date of the filing
17 by the commission of its final statement of apportionment.

18 The commissioners so selected shall on the fifteenth day, excluding
19 Sundays and holidays, after all members have been selected, meet in the capitol
20 building and proceed to organize by electing from their number a chairman, vice
21 chairman and secretary and shall adopt an agenda establishing at least three
22 hearing dates on which hearings open to the public shall be held. A copy of the
23 agenda shall be filed with the secretary of the senate within twenty-four hours
24 after its adoption. Executive meetings may be scheduled and held as often as the
25 commission deems advisable.

26 The commission shall reapportion the senatorial districts by dividing the
27 population of the state by the number thirty-four and shall establish each district
28 so that the population of that district shall, as nearly as possible, equal that figure;
29 no county lines shall be crossed except when necessary to add sufficient
30 population to a multi-district county or city to complete only one district which
31 lies partly within such multi-district county or city so as to be as nearly equal as
32 practicable in population. Any county with a population in excess of the quotient
33 obtained by dividing the population of the state by the number thirty-four is
34 hereby declared to be a multi-district county.

35 Not later than five months after the appointment of the commission, the
36 commission shall file with the secretary of state a tentative plan of apportionment
37 and map of the proposed districts and during the ensuing fifteen days shall hold
38 such public hearings as may be necessary to hear objections or testimony of
interested persons.

39 Not later than six months after the appointment of the commission, the
40 commission shall file with the secretary of state a final statement of the numbers
41 and the boundaries of the districts together with a map of the districts, and no
42 statement shall be valid unless approved by at least seven members.

43 After the statement is filed senators shall be elected according to such
44 districts until a reapportionment is made as herein provided, except that if the
45 statement is not filed within six months of the time fixed for the appointment of
46 the commission, it shall stand discharged and the senate shall be apportioned by
47 a commission of six members appointed from among the judges of the appellate
48 courts of the state of Missouri by the state supreme court, a majority of whom
49 shall sign and file its apportionment plan and map with the secretary of state
50 within ninety days of the date of the discharge of the apportionment commission.
51 Thereafter senators shall be elected according to such districts until a
52 reapportionment is made as herein provided.

53 Each member of the commission shall receive as compensation fifteen
54 dollars a day for each day the commission is in session, but not more than one
55 thousand dollars, and, in addition, shall be reimbursed for his actual and
56 necessary expenses incurred while serving as a member of the commission.

57 No reapportionment shall be subject to the referendum.]
58

2 [Section 9. Until the convening of the Seventy-fourth General Assembly
3 the House of Representatives shall consist of one hundred sixty-three members
4 elected from the one hundred sixty-three representative districts, as they existed
5 January 1, 1965.]

2 [Section 10. The last decennial census of the United States shall be used
3 in apportioning representatives and determining the population of senatorial and
4 representative districts. Such districts may be altered from time to time as public
5 convenience may require.]

2 [Section 45. When the number of representatives to which the state is
3 entitled in the House of the Congress of the United States under the census of
4 1950 and each census thereafter is certified to the governor, the general assembly
5 shall by law divide the state into districts corresponding with the number of
6 representatives to which it is entitled, which districts shall be composed of
contiguous territory as compact and as nearly equal in population as may be.]

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